

AN ORDINANCE AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 93-07-11 AND ORDINANCE NO. 00-04-17, REZONING A TRACT OF LAND CONSISTING OF 5.60 ACRES, MORE OR LESS, SITUATED IN THE S.M. PULLIAM SURVEY, ABSTRACT NO. 707, IN THE CITY OF FRISCO, COLLIN COUNTY, TEXAS HERETOFORE ZONED HIGHWAY DISTRICT (H) AND AGRICULTURAL (A) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF HIGHWAY DISTRICT (H); DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council") has investigated and determined that the Comprehensive Zoning Ordinance No. 93-07-11 and Ordinance No. 00-04-17 should be amended; and

WHEREAS, the City of Frisco, Texas ("Frisco") has received a request from Strawn Merchandise, Inc. ("Applicant"), to rezone 5.60 acres of land, more or less, situated in S.M. Pulliam Survey, Abstract No. 707, in the City of Frisco, Collin County, Texas; and

WHEREAS, the City Council of Frisco has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has further investigated into and determined that it will be advantageous and beneficial to Frisco and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendments to Comprehensive Zoning Ordinance No. 93-07-11 and Ordinance No. 00-04-17. Comprehensive Zoning Ordinance No. 93-07-11 and Ordinance No. 00-04-17 are amended as follows: The zoning designation of the below-described property containing 5.60 acres of land, more or less, situated in S.M. Pulliam Survey, Abstract No. 707, in the City of Frisco, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto are hereby rezoned as Highway District (H).

The Property as a whole and the boundaries are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 4: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Frisco's Comprehensive Zoning Ordinance No. 93-07-11, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that is would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7: Conflicting Ordinances. All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This ordinance shall become effective from and after its adoption and publication as required by law and the Charter of the City of Frisco.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this ____ day of _____ 2000.

KATHLEEN A. SEEI, Mayor

ATTESTED TO AND

CORRECTLY RECORDED BY:

APPROVED AS TO FORM:

NAN PARKER
City Secretary

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.
RICHARD M. ABERNATHY
City Attorneys

DATE OF PUBLICATION: _____, *Frisco Enterprise*

EXHIBIT "A"

Z2000-50

**STRAWN MERCHANDISE, INC.
HERTZ EQUIPMENT RENTAL
LEGAL DESCRIPTION:**

SITUATED IN COLLIN COUNTY, TEXAS, IN THE S.M. PULLIAM SURVEY ABSTRACT 707, AND BEING ALL OF LOT 2 OF 121 INDUSTRIAL PARK (2.22 ACRES), AN ADDITION TO THE CITY OF FRISCO, COLLIN COUNTY, TEXAS AND BEING ALL OF A 2.584 TRACT CONVEYED TO STRAWN MERCHANDISE COMPANY BY ROCK INVESTMENTS BY DEED RECORDED IN VOLUME 2013, PAGE 703, OF THE COLLIN COUNTY DEED RECORDS AND BEING A PART OF A 15.20 ACRE TRACT CONVEYED TO ROCK INVESTMENTS BY DEED RECORDED IN VOLUME 1585 PAGE 394 OF THE COLLIN COUNTY DEED RECORDS AND CORRECTED IN VOLUME 1603 AND PAGE 743, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON ROD AT THE SOUTHWEST CORNER OF SAID 15.20 ACRE TRACT, SAID TRACT ALSO BEING AT THE SOUTHWEST CORNER OF THE S.M. PULLIAM SURVEY, ABSTRACT 707, IN THE EAST LINE OF THE JACOB BACCUS SURVEY ABSTRACT 53, AND IN THE CENTER OF A PUBLIC ROAD (COUNTY ROAD 112):

THENCE: NORTH 89° 52' 26" EAST ALONG THE CENTER OF A PUBLIC ROAD A DISTANCE OF 528.0 FEET TO THE POINT OF BEGINNING:

THENCE: NORTH 00° 00' 19" WEST ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 757.11 FEET TO A POINT;

THENCE: NORTH 89° 52' 26" EAST A DISTANCE OF 376.32 FEET TO A POINT;

THENCE: SOUTH 00° 00' 19" EAST A DISTANCE OF 508.69 FEET TO A POINT;

THENCE: SOUTH 67° 46' 59" WEST A DISTANCE OF 212.06 FEET TO A POINT;

THENCE: SOUTH 00° 00' 19" EAST A DISTANCE OF 168.67 FEET TO A POINT;

THENCE: SOUTH 89° 52' 26" WEST A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING; AND CONTAINING 243,972 SQUARE FEET OR 5.60 ACRES OF LAND MORE OR LESS.